IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 4239 of 2005

Between:

Mohd shah Nawaz Khan S/o Mohd. Shah Noor Khan, Business,
C/o Flat No. G. 15, Metro Classic Apartments, AC. Guards, Hyderabad.

..... PETITIONER

AND

The Mandal Revenue Officer, Rajendernagar Mandal, Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent authority in not mutating the name of the petitioner in respect of the land Admeasuring Ac. 5-01-gts in Sy. No. 15 of Himayatsagar Village, Rajenderanagar Mandal, Ranga Reddy District acquired and intimated by virtue of registered sale deed bearing NO. 2407 of 2002 dt 20-4-2002 executed and registered at Sub-Registrar Office, Rajendernagar Ranga Reddy District in pursuance of the order in I.A. No. 166 of 1985 in O.S.No. 18 of 1963 on the file of chief Judge, City Civil Court Hyderabad as being illegal, arbitrary, dereliction of duty and contrary to section 4 of the A.P. Rights in land and pattadar pass book Act.

Counsel for the Petitioner : MRSYED SHAREEF AHMED

Counsel for the Respondent : GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

The petitioner states that he acquired rights in respect of the land admeasuring Ac.5.01 guntas in S.No.15 of Himayathsagar village, Rajendernagar Mandal, Ranga Reddy District by virtue of a registered Sale Deed dated 20.04.2002 executed by the Receiver-cum-Commissioner as per the orders of the Chief Judge, City Civil Court, Hyderabad in I.A.No. 166 of 1985 in O.S.No.18 of 1963. He further states that thereafter he made representations to the respondent-Mandal Revenue Officer, Rajendernagar Mandal on 24.06.2002 and 20.07.2002 duly enclosing the said registered sale deed as well as necessary documents, requesting to mutate his name in the revenue records in respect of the said land as per the said sale deed. Since there was no response, he has also made another representation on 29.01.2004 to the respondent. The grievance of the petitioner is that the respondent failed to take any steps on the basis of his representations and therefore, seeks a writ of Mandamus declaring that the action of the respondent in not mutating his name in the revenue records in respect of the land in question is arbitrary and illegal.

Under Section 4 of the A.P. Rights in Land and Pattadar passbooks Act, 1971 (for short “the Act”), any person acquiring right as a owner, pattadar, etc., shall intimate in writing his acquisition of such right, to the Mandal Revenue Officer within ninety days from the date of such acquisition, and on receipt of such intimation, the Mandal Revenue Officer has to pass an order under Section 5 of the Act carrying out the amendment in the record of rights after following due procedure as prescribed under Section 5 of the Act.

Having regard to the rule position, the writ petition is disposed of with a direction to the respondent to consider the representations of the petitioner dated 24.06.2002, 20.07.2002 and 29.01.2004 and to take necessary steps in terms of Sections 4 and 5 of the Act, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order. No costs.

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04.03.2005

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To

1. The Mandal Revenue Officer, Rajendernagar Mandal, Ranga Reddy District.

2. Two C.Cs. to the Government Pleader for Revenue, High

Court of A.P., Hyderabad. (O.U.T.)

3. Two C.D. copies.